

IN THE UNITED STATES DISTRICT COURT
FOR THE NOTHERN DISTRICT OF TEXAS

NICOLETTE WILLIAMS,

Plaintiff,

v.

CREDIT ONE BANK, INC.,

Defendant.

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Civil Action No.

Jury Trial Demanded

COMPLAINT

NICOLETTE WILLIAMS (“Plaintiff”), by and through her attorneys, KIMMEL & SILVERMAN, P.C., alleges the following against CREDIT ONE BANK, INC. (“Defendant”):

INTRODUCTION

1. Plaintiff’s Complaint is based on the Telephone Consumer Protection Act (“TCPA”), 47 U.S.C. §227 *et seq.* (“TCPA,”).

JURISDICTION AND VENUE

2. Jurisdiction of this Court arises pursuant to 28 U.S.C. § 1331. See Mims v. Arrow Fin. Services, LLC, 132 S. Ct. 740, 747, 181 L. Ed. 2d 881 (2012).

3. Defendant regularly conducts business in the State of Texas; therefore personal jurisdiction is established.

4. Venue is proper pursuant to 28 U.S.C. § 1391(b)(2).

PARTIES

5. Plaintiff is a natural person residing in Dallas, Texas, 75227.

6. Plaintiff is a “person” as that term is defined by 47 U.S.C. § 153(39).

1 7. Defendant is a corporation with its principal place of business located 585 Pilot
2 Road, Las Vegas, NV 89119.

3 8. Defendant is a “person” as that term is defined by 47 U.S.C. §153(39).

4 9. Defendant acted through its agents, employees, officers, members, directors,
5 heirs, successors, assigns, principals, trustees, sureties, subrogees, representatives, and insurers.

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7 **FACTUAL ALLEGATIONS**

8 10. At all times material hereto, Defendant contacted Plaintiff in an attempt to
9 collect a consumer debt.

10 11. Beginning on August 12, 2015 and continuing through September 2015,
11 Defendant called Plaintiff on her cellular telephone on a repetitive and continuous basis.

12 12. Defendant called Plaintiff from numbers including, but not limited to, (863) 784-
13 3159.

14 13. When contacting Plaintiff on her cellular telephone, Defendant used an
15 automatic telephone dialing system and automatic and/or pre-recorded messages. On some
16 occasions when Plaintiff answered Defendant’s calls, she was greeted by a computerized voice,
17 stating “Please hold to speak to a representative.”

18 14. Defendant’s automated messages identified its company name as the caller.

19 15. Defendant’s telephone calls were not made for “emergency purposes.”

20 16. On August 20, 2015, Plaintiff revoked consent for Defendant to place any calls
21 to her cellular telephone.

22 17. Since the revocation of consent, Defendant has placed at least eighty (80) calls to
23 her cellular telephone.
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1 18. Plaintiff has been receiving between two (2) to six (6) calls per hour from
2 Defendant.

3 19. Plaintiff has suffered anxiety and stress from Defendant's repeated telephone
4 calls, even after revocation of her express consent.

5
6 **DEFENDANT VIOLATED THE**
7 **TELEPHONE CONSUMER PROTECTION ACT**

8 20. Plaintiff incorporates the forgoing paragraphs as though the same were set forth
9 at length herein.

10 21. Defendant initiated multiple automated telephone calls to Plaintiff's cellular
11 telephone using a prerecorded voice.

12 22. Defendant initiated these automated calls to Plaintiff using an automatic
13 telephone dialing system.

14 23. Defendant's calls to Plaintiff were not made for emergency purposes.

15 24. Defendant's calls to Plaintiff after August 2015 were not made with Plaintiff's
16 prior express consent.

17 25. Defendant's acts as described above were done with malicious, intentional,
18 willful, reckless, wanton and negligent disregard for Plaintiff's rights under the law and with the
19 purpose of harassing Plaintiff.

20 26. The acts and/or omissions of Defendant were done unfairly, unlawfully,
21 intentionally, deceptively and fraudulently and absent bona fide error, lawful right, legal
22 defense, legal justification or legal excuse.
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1 27. As a result of the above violations of the TCPA, Plaintiff has suffered the losses
2 and damages as set forth above entitling Plaintiff to an award of statutory, actual and trebles
3 damages.

4 WHEREFORE, Plaintiff, NICOLETTE WILLIAMS, respectfully prays for judgment as
5 follows:

- 6 a. All actual damages suffered pursuant to 47 U.S.C. §227(b)(3)(A);
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8 b. Statutory damages of \$500.00 per violative telephone call pursuant to 47
9 U.S.C. §227(b)(3)(B);
10 c. Treble damages of \$1,500 per violative telephone call pursuant to 47
11 U.S.C. §227(b)(3);
12 d. Injunctive relief pursuant to 47 U.S.C. §227(b)(3); and
13 e. Any other relief deemed appropriate by this Honorable Court.

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15 **DEMAND FOR JURY TRIAL**

16 PLEASE TAKE NOTICE that Plaintiff, NICOLETTE WILLIAMS, demands a jury
17 trial in this case.

18 Respectfully submitted,

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20 Dated: October 27, 2015

21 /s/ Amy L. Bennecoff Ginsburg
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